

***United States Court of Appeals  
for the Second Circuit***



**PETITION**



THE UNITED STATES CONSTITUTION  
Represented by: VICTOR SHARROW, Pro Se  
Crompond, N.Y., 10517

vs  
PRIVATE CITIZENS (alphabetically)

SHIRLEY CHISHOLM, 1149 Eastern Parkway  
Brooklyn, N.Y.

ROBERT F. DRINAN, Totten Pond Road  
Waltham, Mass.

JOHN DOW, 56 Grand Avenue  
Balmville, N.Y.

HAMILTON FISH JR. Millbrook, N.Y.

ELIZABETH HOLTZMAN, 1452 Flatbush Avenue  
Brooklyn, N.Y.

RICHARD OTTINGER, 235 Bear Ridge Road  
Pleasantville, N.Y.

CHARLES RANGEL, 74 West 132nd Street  
New York, New York

PETER RODINNE JR., 970 Broad Street  
Newark, N.J.

No. # 74-2544



May you have a  
Merry Christmas  
and resolve for the  
New year to  
Enforce "14 1/2"!!

Victor Sharrow



Briefs & Appendix PETITION OF APPEAL

This Petition of Appeal should be heard by the Second Circuit Court of Appeals to give the above named private citizen defendants who sought election to the House of Representatives, the opportunity to answer, the still unanswered question,

"UNDER WHAT SPECIFIC APPORTIONMENT PROVISION AND WORDS OF THE UNITED STATES CONSTITUTION DID THEY RUN FOR ELECTION TO THE UNITED STATES HOUSE OF REPRESENTATIVES?"

Since Section 2 of the 14th Amendment controls completely and COMMANDS the computation for the Apportionment, which has not been enforced, as admitted in writing, then there can be no doubt that all of the candidates for election to the House of Representatives did not run under a constitutional computation for apportionment, depriving all the law abiding, voting citizens of their right to vote for their correct constitutional apportionment of Representatives.

This is a most serious and constitutionally correct question that is not "patently frivolous" as described by the erroneous District Court Judge Thomas P. Griesa in his two, none readable none-decisions continueing Watergate cover-up of illegal actions.

Instead of discussing the fraudulent straw-man nonsense and citation of the Coppedge case, which was a criminal and not a civil case, which stood for exactly the opposite of what he thought it meant, it would be best to save all the criticism, until after the replies from all the defendants, to discuss at one time in writing, and orally in court, including how to improve the procedures of the over-cluttered courts, which is a subject so dear to the heart of Chief Judge Irving Kaufman of the Second Circuit Court of Appeals.

As part of the speeding up procedure I would like to suggest, as I have in the past, persuasively, the make up of the members of the Second Circuit Court of Appeals, when this case is heard.

Twice before, Senior Circuit Judge Sterry Waterman has sat in on this "very same" case, and twice before, both recent past Chief Judges of the Second Circuit Court have also sat in on this "very same" case, namely J. Edward Lumbard and Henry Friendly.

But most important is for the present Chief Judge Irving Kaufman, to sit in on this case, not only to hear what is to be offered to improve and speed up the overworked, cluttered courts, but also because of the fact, that the last time he sat in on this case, and allowed more than three times the usually allotted time for oral argument, and allowed the taping of the oral presentation, Judge Kaufman gave an unsolicited oral testimonial to the Attorney Pro-Se, Victor Sharrow, for making such an interesting, memorable presentation, that can be done again, only, bigger, better and with more humor.

To save paper, accept this notarized Petition of Appeal, also as an Affidavit of Service, that this brief, two page brief, is being served on the named defendants, better and cheaper than the Marshall's office who couldn't find Fish, and Dow::

Sworn to before me

this 17th day of

December, 1974

(signed)

NOT frivolously yours,

*Victor Sharrow*  
VICTOR SHARROW, Pro-Se  
Crompond, N.Y. 10517  
December 18, 1974

MARVE A. CAMP  
Notary Public Appointed in  
Westchester County  
No. 5582450  
Term Expires March 30, 1976

*Marve A. Camp*



## Judge Bars F.B.I. Watch Over Parley of Socialists

By ARNOLD H. LUBASCH

A Federal judge has ordered the F.B.I. not to conduct any surveillance of a national convention of the Young Socialist Alliance.

Judge Thomas P. Griesa issued the order in Federal District Court here as a result of a complaint by the alliance, a left-wing political group, which said that the Government's surveillance inhibited people from attending its meetings and exercising their freedom of speech.

The judge's order, which was signed Friday night and filed yesterday, bars the Federal Bureau of Investigation from "attending, surveilling, listening to, watching or otherwise monitoring" the alliance's 14th national convention beginning Dec. 28 in St. Louis.

Leonard Boudin, a lawyer for the socialist group, said that the order marked "the first time in American history that a Federal court has prohibited F.B.I. surveillance of any political organization." He added that it was "a legal consequence of Supreme Court decisions protecting the right of association."

### Justification Denied

The F.B.I. declined to comment on the order, which the Government may appeal to the United States Court of Appeals for the Second Circuit.

Judge Griesa said after a two-day hearing that he was issuing the order to the bureau because "the proposed surveillance threatens a substantial impairment of First Amendment rights" without justification by the Government.

For many years, the judge said, the F.B.I. has apparently carried on surveillance of meetings of the Socialist Workers Party and its Young Socialist Alliance because they were considered "Marxist revolutionary organizations whose purpose is the illegal overthrow of the United States Government."

He observed that information obtained in this surveillance as kept in files, supplied to other agencies and used to question party members who sought Government jobs.

The F.B.I. planned to send confidential informants to the Dec. 28 convention to find out who attended the meetings and what they discussed. Judge Griesa said, adding that such surveillance was a "substantial deterrent" to attendance by the Young Socialists.

"As a matter of policy," the judge said, "it seems to me that the healthy thing for our society to do is to permit this group to freely have their discussions of the issues which concern them and of their theories."

The judge stressed that the Government had provided "absolutely nothing" to indicate any violent or illegal activity by the Socialist groups.

Herbert Jordan, who argued their case at the hearing, submitted affidavits by Socialist leaders asserting that they did not "advocate violence or any other illegal activity."

The surveillance complaint was part of a continuing lawsuit by the Socialist groups seeking an injunction and damages for alleged harassment by the Government.

Doesn't a "patently frivolous" denial of a right to discuss an even more important constitutional issue in open court "impair First Amendment Rights?"

Victor Sharrow

Cols.  
445

Judge  
Thomas  
P. Griesa

Judge Griesa

Judge  
Griesa

PLAINTIFF: THE UNITED STATES CONSTITUTION  
Represented by: VICTOR SHARROW, Pro Se  
Crompond, N.Y., 10517

Re: 74-2544

vs

PRIVATE CITIZENS (alphabetically)

SHIRLEY CHISHOLM, 1149 Eastern Parkway  
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Newark, N.J.

X

APPENDIX

This Appendix contains:

- 1 - U.S.C.J. William H. Mulligan's order of 12/13/74  
(not received until January 1, 1975) order to proceed  
on 6 typewritten briefs and dispense with a printed  
appendix.
- 2 - A copy of the docket entries.
- 3 - A copy of U.S.D.J., Thomas P Griesa's UNREADABLE order  
of October 21, 1974.
- 4 - A copy of U.S.D.J., Thomas P. Greisa's UNREADABLE order  
of November 12, 1974.
- 5 - A copy of the Documents transferred from the District  
Court to the Court of Appeals as of 11-22-74.

Copies of this Appendix, with the five attachments have been  
sent to the above named defendants.

Sworn to before me

this 3rd Day of

January, 1975

*Max Fisher*  
MAX FISHER  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 30-6311325  
QUALIFIED IN NASSAU COUNTY  
TERM EXPIRES MARCH 30, 1976

Respectfully submitted,

(signed)

*Victor Sharrow*  
VICTOR SHARROW, Pro-Se  
Crompond, N.Y. 10517

January 3, 1975





The United States  
v. Private

It is hereby ordered  
proceed on 6 typewritten  
The appendix, however  
and the final decision

Date: 12/15/74



74-2544

es Constitution Represented by: Victor Sharrow  
Citizens Chisholm et al.

ered that Victor Sharrow, appellant pro se, may  
ten briefs and dispense with a printed appendix.  
, must contain at least a copy of the docket entries  
n of the District Court.

William H. Munn

U.S.C.J.

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

74 CIV. 4611

Jury demand date:

C. Form No. 104 Rev.

JUDGE GRIESA

## TITLE OF CASE

THE UNITED STATES CONSTITUTION,  
Represented by VICTOR SHARROW

VS.

SHIRLEY CHISEOLM,  
ROBERT F. DRINAN,  
JOHN DOW,  
HAMILTON WISH, JR.,  
ELIZABETH HOLTZMAN,  
RICHARD OTTINGER,  
CHARLES RANGEL,  
PETER RODINO JR.

For plaintiff:

Victor Sharrow  
Paulding Lane, Grampond, N.Y. 10517 528-5

5219

For defendant:

To get this copy I first  
went to the 18th floor  
then 17th floor, back to  
the 18th where the file  
was missing - then  
down to the 6th floor  
then down to the  
5th floor - Outrageously!!  
Victor  
Sharrow 11/3/75

## STATISTICAL RECORD

## COSTS

## DATE

NAME OR  
RECEIPT NO.

## REC.

U.S. 5 mailed x

Clerk

U.S. 6 mailed ✓

Marshal

Basis of Action: Enforcing  
Constitutional provision  
of Sec 2, of 14th Amendment.

Docket fee

Witness fees

Action arose at:

Depositions



74 CIV. 4611

DATE	PROCEEDINGS	Date of Judgment
Oct 21-74	Filed complaint & issued summons.	
Oct.23-74	Filed Memo-End on unsigned Show Cause Order. I decline to sign the Order to Show Cause, & direct that the complt be dismissed.... So Ordered. GRIESEA, J. m/n	
Nov 12-74	Filed Memo-End on back of application to file appeal in forma pauperis....Application for leave to appeal in forma pauperis is denied, ...since the appeal would be patently frivolous and thus not in good faith.....So Ordered...Griese, J.(pro se m/n)	
Nov 20-74	Filed Pltff's Notice of Appeal to USCA from an order of final judgment of 10-23-74. Mailed Notices on 10-22-74 to: Shirley Chisholm; Robert F. Drinan; John Dow; Hamilton Fish Jr; Richard Ottinger; Charles Rangel; Peter Rodino; Elizabeth Holtzman.	
Nov.15-74	Filed summons & returns by Marshal. Served:	
	Shirley Chisholm By: Mr. Robles 10-31-74	
	Robert Drinan Marshal 11-6-74	
	John Dow Not served	
	Hamilton Fish Jr. " "	
	Eliz. Holtzman Mr. Freeman 10-31-74	
	Richard Ottinger M. Fogel 11-7-74	
	Charles Rangel A. Rangel 10-29-74	
	Peter Rodino Mrs. Palmick 10-30-74	
Nov.22-74	Filed notice that original record on appeal has been certified & transmitted to the USCA.	

74 Civil 4611

I decline to sign  
the order to show  
cause, and direct that  
the complaint be  
dismissed.



NOV 1 1974  
This HORRIBLE  
Copy sent to the plaintiff states  
"I decline to sign the order to show cause  
and direct that the complaint be dismissed"

"So ordered  
Oct. 21, 1974

Thomas P. Guerin  
US Dg

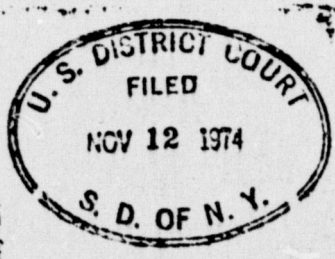
Victor Slavov  
Nov 6, 1974



application for leave to  
appear in forma pauperis  
is denied, pursuant to  
28 U.S.C. ~~§ 1915(c)~~ § 1915

since the appeal would  
be patently frivolous and  
not in good faith. Casper  
United States, 367 U.S.  
595 (1962).

Respectfully,  
Sincerely, Thomas P. Jones  
Nov 12, 1974



This SECOND, HORRIBLE, UNREADABLE, INCOMPLETE  
Copy sent to the plaintiff states → (not on this copy above)  
"application for leave to  
appear in forma pauperis  
is denied pursuant to  
28 U.S.C. § 1915(a)  
since the appeal would  
be patently frivolous and thus  
not in good faith." Casper  
United States, 367 U.S.  
595 (1962)

Thomas P. Jones  
U.S. District Court  
Southern District of New York  
Nov 12, 1974  
74 Civ 4611 TPG





UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

U.S.A. (Victor Sharrow)

vs

Shirley Chesholm et al

Trans as of 11-25-74  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
NEW YORK.

CASE NO. 74 Civ 4681

JUDGE Brennan

INDEX TO THE RECORD ON APPEAL

Certified copy of docket entries

Complaint  
Memo endorsed 10-23-74 on  
unsigned order to show cause  
Memo endorsed 11-12-74 on  
unsigned order  
Notice of Appeal  
Clerk's Certificate

DOCUMENTS

A-B

1

2

3

4

5